App. F. IX-4

Previous References
A. 46. 28. 1 + 2.
Legis 4-24 notes

193 \. (Legis)

File No. 27-31
Serial Nos. notes.

Later References
R-A 55-33 Nos: 1 to 4, B May 1934

PRESERVED

General and Revenue Secretariat.

Serial Nos.

Part B for July 1931.

SUBJECT.

Question of introducing registration in Mysore on the lines of the Indian Election Offences and Inquiries Act of 1920 as in British India.

Mr. Abdul Azeez
24. 9. 31

3394/30 P.

D 722 8

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

Flag H

1) Paragraph 17 of the G.C. no Rel 48-4-507/R.H.-46-28-2 dated 17th Dec 1929 passing orders on the report of the Committee appointed to ~~consider~~ revise the rules relating to the R.A. and R.B. says that the question of introducing legislation on the lines of the Indian Election Offences and Inquiries Act of 1920 is reserved for further consideration.

Flag B
R.A. 46-28-1 & 2
(only portion)

2) Final note by the Hon Third member of Council dated 9th November 1929 contains the following:-

"It was decided that the question of the proposed Election Offences and Inquiries Regulation may be considered again after the new Assembly and Council are constituted. The principles of the proposed legislation will have to be placed before the Representative Assembly before a Bill can be introduced in the Legislative Council".

3) If appd, this will be passed on to the Prot. Br. for necessary action being taken in the matter.

Rsd. 01/

9/1/31

10/1/31 to the Protection Branch with enclosure

10/1/31

Leg 4 10/1

5) G.C. George Gazette Parts III & IV Containing The Indian Election Offences and Inquiries

NOTE—Contn. Sheet.

2

3394

File No. 272 of 193

General and Revenue Secretariat

Bill, the Select Committee Report thereon and the Act as finally passed, is herewith put up and indicated by slips.

(2) The following points require consideration:-

Kind reference is invited to the Explanation to the new entry proposed for Section 21 of I.P.C. The word 'election' is defined so as to include elections held for the purpose of selecting members of municipal or other public authority of whatever character the method of election to which is by or under any law prescribed as by election. The retention by the definition would bring in Municipal Councils as well. This is for order.

Reference is also invited to the provisions in Part 4 of the Act relating to the Powers of Commissioners etc. It is for order whether the provisions should be retained finally.

Submitted for orders in the matter.

Draft 16/1/31

(3) The R.A. & L.C. Office may be cancelled on the paper raised above. 17/1.

Asst 16/1

(R.A. & L.C. Office)

OFFICE OF THE SECRETARY
17 JAN 1931
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Serial No.

Barrow

8) Hindi reference is invited to pages 36 to 39 of the proceedings of the R.A Session of September 1925 containing the discussion on a similar measure brought before that House when many of the members thought that there was no urgent need for such a measure.

9) Legis 4-24 contains the statement of general principles and the draft Bill ~~to provide for the punishment of Elections Offences and the Conduct of Elections in cases of disturbed~~ framed.

Subd. ~~In case of orders~~

21.1.31 10) The consideration of the question may perhaps be deferred for some months more.

Secy)

2nd Member
Dewan

11) This matter the Dewan appears to considered in Council I am in favour of applying as in Br. Mora

Sec.
27.1.31

Dewan 12/

A - Yes

Mme
29-1-31

C.S
31/1/31.

Chapman with compts.

DEWAN'S OFFICE 4485 28. JAN. 1931

OFFICE OF THE SECOND MEMBER OF COUNCIL 26 JAN. 1931 No. 6790

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7 30

(For Disposal at a Meeting)

No. C. 272

.....of 1930-31.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule).

Question of introducing, legislation in Mysore, on the lines of the Indian Election Offences and Inquiries Act of 1920 in British India.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

N. Madhava Rau,

Chief Secretary to Government.

.....31st January.....1931.

~~Extraordinary Member of Council.~~

First Member of Council.

Second Member of Council.

Third Member of Council.

3394

C 272 5/-

Extract from the Proceedings of the 871st *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 9th February 1931. 19

40. Subject. - Clause ii of the schedule.

Question of introducing legislation in Mysore on the lines of the Indian Election Offences and Enquiries Act of 1920 as in British India.

OPINION OF THE COUNCIL.

14) **A statement of general principles may be placed before the Representative Assembly at the next Session.**

Note.

(The bill to be scrutinised,)

Sd. M.N. KRISHNA RAO,
OFFG. DEWAN OF MYSORE.

15) For favour of a final note,

Second Member.

9/2
Thos/Lawsey 10/2

"EXTRACT"

16) Mano pura upadhyaya 10/2

M.N. Rao 10/2

Chief Secretary to Government.

WD 1471—GPB—2,600—1-3-21

Leg 11/2

3394

6/6

General and Revenue Secretariat | File No. | of 193 .

DEWAN'S OFFICE
1921
9 FEB. 1931

Serial No.

17) Subd with refce to para 16 of the D.F.N. The D.F.N will be typed after approval. may be got typed 9/2/31

Typed 13/2

Typed D.F.N. Subd 13/2

16) The draft Bill will ~~in the meantime~~ be scrutinised as directed after approval. Secy 13/2

OFFICE OF THE SECOND MEMBER OF COUNCIL
19 FEB. 1931
No. 1894

19) D.F.N. is subd for ~~approval~~ 18/2

2nd Member 19/2

20 F.N. Signed by Member. Chf. 20/2/31 Dewan) 20/2

D.S.N placed in file 23/2

21 23-2-31

NOTE—Contn. Sheet

7

Final Note by the Second Member of Council.

Subject:—Question of introducing legislation in Mysore on the line of the Indian Election Offences and Inquiries Act of 1920 as in British India.

12)

The question of providing a law for the punishment of Election Offences and for the conduct of enquiries in cases of disputed elections to the Mysore Legislative Council was considered in the year 1925, but the Representative Assembly before which the Bill was placed having expressed itself against the measure, the proposal was dropped in October 1925 with the approval of His Highness.

The Committee which was appointed in 1927 in response to a Resolution moved in the Legislative Council to revise the rules relating to the Representative Assembly and the Legislative Counci recommended, among other matters, the introduction of legislation on the lines of the Indian Election Offences and Inquiries Act, an the Government while passing orders on the recommendations of the Committee in their Order No.Rel.484-507/R.A. 46-28-2 dated 17th December 1929, reserved the question of undertaking legislation on the subject for further consideration.

The question has since been considered and my opinion has been in favour of legislation being undertaken as in British India

The question was considered in Council on the 9th February 1931 when it was resolved that "a statement of general principles may be placed before the Representative Assembly at the next Session. The opinion of the Council may be graciously approved.

Pages 5 of Office Note II

MEMBER OF COUNCIL.

Bangalore,
20th February 1931.

Submitted to His Highness.

I submit herewith a Final Note by the.....Second...

23 *Member of Council on the subject of*.....question of introducing legislation in Mysore on the lines of the Indian Election Offences and Inquiries Act of 1920 as in British India

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

23-2-31

9

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject:

Question of introducing legislation in Mysore on the lines of the Indian Election Offences and Inquiries Act of 1920 as in British India

407

24)

Order.

~~KRW~~

25/2/31

Mue 25.2.31

Mue

3394

10

C272

General and Revenue Secretariat

Question of introducing legislation in Mysore on the lines of the Indian Election Offences and Inquiries Act of 1920 as in British India.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*) (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Law Department.

FIRST MEMBER OF COUNCIL. (Law).

SECOND MEMBER OF COUNCIL.

THIRD MEMBER OF COUNCIL.

8164/A1/3

5321/S/3

NOTE.—Contn. sheet.

To

Law Secy with Comps.

25)

General and Revenue Secretariat | File No. | of 193

Serial No.

20) Sd with refer to para 25 with a Statement of Genl Principles based on the one placed before the R. & ul 1925 and Sd refer is also invited to para 18 of the notes.

Form 7/3 (vide 27) The Statement of Objects & Reasons connected with British Indian Act may be put up.

28) The Bill has also to be Scrutinised (vide Opinion of Council) This may be done, & 2 typed copies of the Bill may be put up

DLO 9/2

29) Sd with two typed copies of Bill.

The draft is based upon the Govt of India Act XXXIX of 1920 and the draft Bill prepared in 1924

In the discussion of the expression 'Candidate' the words 'or has offered himself' have been added as the election rules in force enable the Candidates to offer themselves.

Part II is made applicable to the election held for the Legislative Council

Inquiry under Part II is to be made by the Collector.

NOTE—Contn. Sheet

...ordinarily but provision ... is however made in Cl 13 for the appointment of Commissioners by Govt and when they are so appointed the ordinary Courts to cease to have jurisdiction in regard to the election

Sd/-

Please get the draft typed as revised 25/3

Draft
25/3

30) A draft Statement of General principles is prepared and submitted.

31) It was required that the Bill should also be scrutinised. Accordingly a draft Bill prepared generally on the lines of the British Indian Act and in conformity with the orders passed on the last occasion is also submitted for consideration.

32) As in the case of the British Indian Act the word "election" occurring in Part I has been so defined as to include election offences connected with not merely the legislative bodies, (~~xxxxxxx~~) but also "municipal or other public authorities of whatever character

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

the method of selection to which is by or under any law prescribed as by election." If the intention here also is that offences connected with elections to all public bodies should be brought under the Bill, the same wordings may remain, or if it be sufficient for the present to make the Bill applicable only to R.A and L.C elections and then extend the same to other elections the clause may slightly be modified. The point is submitted for consideration.

33) In the case of Part II which lays down certain provisions supplementary to the existing Rules re: enquiries, the word "election" is defined to refer only to Legislative Council elections. Seeing the identity of the existing Rules in regard to both R.A & L.C enquiries, it is perhaps necessary that the supplementary provisions in Part II should apply to R.A enquiries also. In the R.A. Rules the words "Summary enquiry" are used, but it is stated the procedure otherwise applicable is the procedure under the C.P.C.

existing Rules 76 & 79 ←

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

142

3394

File No. of 193 . | General and Revenue Secretariat

If approved, the word "elections" in Part II will be defined to refer to both R.A and L.C. elections.

34) There ~~appears to be~~ is some overlapping of provisions in the Bill as compared with the existing rules as regards summonsing and examining witnesses, awarding costs, etc. ~~The~~ Part II of the Bill is more exhaustive and there is likely to be no harm to leave the provisions for the present as they are in the B. Indian Act.

35) Clause 13 is a new provision (not found in B. Indian Act) to enable the Govt to appoint commissioners in lieu of the District Judge wherever necessary.

36) Submitted with a draft statement of general principles and a draft Bill scrutinised.

Secy) 29/3

OFFICE OF THE SECOND MEMBER OF COUNCIL 1 APR. 1931 No. 9050

37) The Bill is based on the B. I. Act, and changes are made here & there under the orders of the 1st Member (with Reference: no: 4/1926)

D. M. 31/3

38) 2nd Member 1/4

App. F. III—2]

General and Revenue Secretariat | File No. 3394 of 193

Serial No. 39

Please see some ~~notes~~ additions & notes made on the red ink notes in the draft Bill. by

40) To be inserted after the Bill make the necessary reference in the R.A. ~~Act~~ in question by Y/4/37 P.M. 2/4 9189

41) Cl 2 (2) (a) ... Offences may perhaps remain

Cl 4 ... It is perhaps unnecessary to name the words 'Commander or Commissioner' as the appointment of a Commander directs the power of the ~~Ad~~ judge in Vice-Jurisdiction ... in clause 13 can

Under clause 13 the Commander will get vested with all the powers of the Deputy & it is perhaps unnecessary to add "Commander" in each clause wherever it occurs.

Cl 5 explanation ... "Powers" refer to jurisdiction also, but to make the matter more clear ~~for~~ in Cl 13 the words "make ~~jurisdiction~~ exercise jurisdiction and" may be added between the words 'Commander' & 'Make'

Cl 14 'Off' may be substituted for 'for'

Secy

Draft 6/4 well

2nd Member.

42 Paper - Please revise draft & Table for this Regn.

9189 6/4 P.M. 6/4 9189 8/4

9189 11/4 9(cl 20) P.M. 9/4

OFFICE OF THE SECOND MEMBER OF COUNCIL
9 APR. 931
No. 9288

WD 02553—50,000—GPB—8-7 30

NOTE—Cotton Street

16

File No. 1722 of 193

General and Revenue Secretariat

43) Sanction has been obtained to place the Statement of Genl principles of the Bill before the R.A (Vide last para of D.S.N.)

2 approved copies of Statement will be sent to R.A. Office for further action

A

Done 15/4 (Mille 44) revised draft Statement of General Principles may kindly be approved before being forwarded D.R.A. for further action,

Secy) 1989 15/4.

45) A.P.P.D. 15/4

46) A. may be done. 1989 15/4

Please type two copies of 8 pages 15/4

47) Sd. Mille typed copies of Statement. These will be sent to R.A. Office after approval 1989 17/4

Done 17/4

OFFICE OF THE SECRETARY
17 APR 1931
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

R.A. Office) 48) 3 Copies taken & file returned. BDV 20/4/31.

R. A. Office

General and Revenue Secretariat | File No. | of 193

Serial No.

49) The Statement was answered and Turner and in the R. A.

The file may be sent to R. A. Office for early putting up a copy of the discussions and also a copy of Duncan's closing remarks where in some observations in the mask are contained

DSY 11/6.

True 11/6.

R. A. Office with Cancellation)

OFFICE OF THE SECRETARY
Regd. No. 3394
11 JUN. 1931
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

unverified.

50) An Extract of the proceedings is put up, as also a copy of the Deputy Colonial Remarks. Portions relating to official members have not yet been approved by them.

15.6.31 Chief Reporter

11.6.31

15/6

16/6

51)

Submitted for perusal and orders regarding further action to be taken. Important points urged by the members may be underlined.

Date 29/6

Code.

NOTE—Contn. Sheet.

WD 02553—GPB—50,000—8-7-30

18

File No. of 193 . | General and Revenue Secretariat

52) It is for consideration if the Bill may be proceeded with and placed before the Legislative Council in spite of the opposition therefor in the Representative Assembly. The main argument urged against it in the Assembly was that there was no need for such legislation in Mysore as there are not many instances of corrupt practice, but this argument is found effectively answered by the Dewan in the following remarks in his closing address.-

"I don't propose to dilate upon the case of the Election Offences and Enquiries Bill beyond saying that in this case you have not only not given a lead but have declined to adopt a measure which has been found necessary elsewhere throughout the civilised world. Your reasons, I confess, I find myself unable to follow. You seem to suggest that because offences do not exist at present, or occur only in comparatively small numbers, that is a reason why you should deprive yourselves of the means of dealing with them if and when they do occur. If you would apply the same reasoning to any other offence, say, for instance, that of theft, I think you would find the fallacy of such an argument only too apparent.

53) In view of these remarks, the further stages of the Bill may perhaps be gone through. In the meantime it is perhaps desirable to ascertain from the Deputy Commissioners the extent to which the malpractices are stated to exist in regard to elections so that if the same point be raised again there would be more materials to furnish in that connection

54) Information about election cases was called for and the file relating is put up below.

Chief Secy)

1 JULY 1931

S 989 30/6

19.

General and Revenue Secretariat | File No. C8/31-2 of 193

Serial No.

55) The question whether this measure is to be proceeded with or not may perhaps be considered at a meeting of Council

mm

Second Member 3/7/31

Dewan ✓

6/7/31

(56) bm

6/7/31

6/7/31

OFFICE OF THE SECOND MEMBER OF COUNCIL
3 JULY 1931
No. 116

DEWAN'S OFFICE
204
0 - JUL 1931

(58) C.S

circulate

mm

9-7-31

(57) bm

8-7-31

3

20

(For Disposal at a Meeting)

No. C. 8

of 1931-32

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT

(clause ii of the schedule)

Legislation in Mysore on the lines of the Indian Election Offences and Enquiries Act of 1920 as in British India.

(59) CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

9th July 1931 ~~19~~

192/9.7

First Member of Council. 10.7.31

Second Member of Council. (Illegible)

(60) C.B 10/7/31

D2

P. 722.

3

21

C8

Subject.-

Question of undertaking legislation in Mysore on the lines of the Indian Election Offences Inquiries Act of 1920.

OPINION OF THE COUNCIL.

Note in Council
May lie over
25/7/31

(H. Secy. Bobn.)

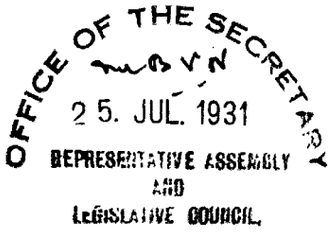
24/7/31

24/7/31

B. Rao

This may be sent to R. A. Office for note and return

25/7/31 (R. A. office)



Noted and passed

29/7/31

B Rao

Draft statement of the general principles of the Election Offences and Inquiries Bill.

The Reforms Committee presided over by Dr. Seal recommended the adoption of the Briti Indian Act XXXIX of 1920 (Indian Election Offences and Inquiries Act).

A Bill was accordingly drafted and a statment of the general principles was placed before the Representative Assembly in 1925. It was welcomed by some of the members, but the general sense of the assembly was that there was no urgent need therefor and the introduction of the measure might be postponed. The matter was ~~accordingly~~ therefore dropped.

The Committee which was appointed in 1927 in response to a Resolution in the Legislative Council to revise the rules relating to R.A. and L.C. recommended among other matters, the introduction of legislation on the lines of the Indian Election Offences and Enquiries Act and, the Government, while passing orders on the recommendations in their Order No.Rel.484-507 R.A. 46-28-2 dated 17th December 1929 reserved the subject for further consideration.

In regard to representative institutions it is essential that the purity of their representative character should be scrupulously maintained; The Government therefore consider it desirable that adequate safeguards should be provided to prevent the possibility of malpractices being resorted to in relation to elections. A Bill has accordingly been drafted and it consists of two parts:-

Part I declares certain transactions connected with elections as offences under the Indian Penal Code.

They are (1) bribery, (2) undue influence (3) personation, (4) making a false statement in connection with an election, (5) incurring unauthorised expenditure for the purpose of procuring or promoting the election of a candidate and (6) failure to keep election accounts where such are required by law.

Part II lays down provisions supplementary to the existing rules for the conduct of enquiries into disputes relating to elections to the Legislative Council and the Representative Assembly. The District Judge is invested with the powers of a Civil Court for the purpose of such inquiry, and, enabling provisions have been made in relation to reception of evidence oral and documentary. Power is also taken to appoint, if necessary, commissioners for inquiry in place of the District Judge.

Provision is also made for disqualifying for five years persons convicted of the offence of bribery or undue influence in connection with an election from holding a judicial office ~~xxxxx~~ or other offices to which appointment is by election, and, from being a member of a local authority. Government may, however, -- exempt any such person from any such disqualification.

9789

Prem 25/2

Draft statement of the general principles of the Election offences and Inquiries Bill.

The Reforms Committee presided over by Dr. Seal recommended the adoption of the Briti Indian Act XXXIX of 1920 (Indian Election Offences and Inquiries Act).

A Bill was accordingly drafted and a statement of the general principles was place before the Representative Assembly in 1925. It was welcomed by some of the members, but the general sense of the assembly was that there was no urgent need therefor and the introduction of the measure might be postponed. The matter was accordingly dropped.

The Committee which was appointed in 192 in response to a Resolution in the Legislativ Council to revise the rules relating to R.A. and L.C. recommended among other matters, the introduction of legislation on the lines of the Indian Election Offences and Enquiries Act and, the Government, while passing orders on the recommendations in their Order No.Rel. 484-507 R.A. 46-28-2 dated 17th December 1929 reserved the subject for further consideration. In regard to representative institution it is essential that the purity of their representative character should be scrupulously maintained, by providing adequate safeguards to prevent the possibility of malpractices being resorted to in the course of elections. Necessary provisions though of a Penal character have therefore to be provided by the law as has been done also in other countries. A Bill has accordingly been drafted and it consists of two parts:-

Draft statement of the general principles of the Election offences and Inquiries Bill.

---

presided over by Dr Seal

The Reforms Committee recommended the adoption of the British Indian Act XXXIX of 1920 (Indian Election Offences and Inquiries Act).

a Statement of

A Bill was accordingly drafted and the general principles ~~of the same were brought~~ was placed forward before the Representative Assembly in 1925. It was welcomed by some of the members, ~~In 1925. The Assembly having expressed them-~~ ~~selves against the measure,~~ but the general sense of the assembly was that there was no urgent need for the introduction of the measure. The matter was accordingly dropped.

The Committee which was appointed in 1927 in response to a Resolution in the Legislative Council to revise the rules relating to R.A. and L.C. recommended among other matters, the introduction of legislation on the lines of ~~British Indian Act~~ the Indian Election Offences & Inquiries Act and, the Government, while passing orders on the recommendations in their Order No. Rel. 484-507 R.A. 46-28-2 dated 17th December 1929, reserved the subject for further consideration. A Bill has accordingly been drafted and it consists of two parts:-

Part I declares certain transactions connected with elections as offences under the Indian Penal Code.

They are (1) bribery, (2) undue influence, (3) personation, (4) making a false statement in connection with an election, (5) incurring unauthorised expenditure for the purpose of procuring or promoting the election of a -- candidate and (6) failure to keep election -- accounts where such are required by law.

Part II lays down provisions supplementary to the existing rules ~~Part II provides for the inquiry into~~ for the conduct of enquiries into disputes relating to elections to the Legislative Council. The District Judge is invested with the powers of a Civil Court for the purpose of such inquiry, and containing provisions ~~such as enforcing attendance of witnesses and production of documents~~ have been made in relation to reception of evidence oral and documentary. Power is also taken to appoint, if necessary commissioners for inquiry in place of the District Judge.

Provision is also made for disqualifying persons convicted of the offence of bribery or undue influence in connection with an election for five years from holding a judicial office, or other offices to which appointment is by election, and, from being a member of a local authority. Government may, however, exempt any such person from any such disqualification.

for five years

9189
28/3

The Mysore Elections Offences and Inquiries Bill.

A Bill to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to the Mysore Legislative Council constituted under Regulation XIX of 1923.

*****

Whereas it is expedient to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to the Mysore Legislative Council It is hereby enacted as follows:-

Preliminary

Short title and extent.

1. (1) This Regulation may be called 'the Mysore Elections Offences and Inquiries, Regulation, 192 ; and

(2) It shall extend to the whole of Mysore.

Part I.

Amendment of the Indian Penal Code as in force in Mysore and the Code of Criminal Procedure, 1904.

2.(1) In Section 21 of the Indian Penal Code after the twelfth entry, the following shall be inserted, namely:-

"Thirteenth.- Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election"; and after Explanation 2, the following shall be added, namely:-

"Explanation 3.- The word "election" denotes an election for the purpose of selecting members of any legislative, municipal or other public authority of whatever character the method of selection to which is by, or under, any law prescribed as by- election".

This is a point for orders
Jaipur Kts

(2) After Chapter IX of the same Code the following Chapter shall be inserted, namely:-

"Chapter IX A".

Of offences relating to elections.

171 A For the purpose of this Chapter.

"Candidate" "Electoral right" defined.

(a) "Candidate" means a person who has been nominated, or has offered himself as a candidate, at any election and includes a person who, when an election is in contemplation, -- holds himself out as a prospective candidate thereat; provided that he is subsequently nominated, or ~~has offered~~ himself as a candidate at such election;

Hers ?

(b) "Electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171- B- (1) Whoever-

"Bribery"

(i) Gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) Accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery;

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give or offers or attempts to procure, a gratificatio shall be deemed to give a gratification.

(3) A person who obtains, or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Undue influence at elections.

171-C.(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub section (1), whoever-

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed

to be interference within the meaning of this section.

Personation at elections.

171-D. Whoever at an election applies for a voting paper or votes in the name of any othe person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name; and whoever abets procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

Punishment for bribery.

171-E. Whoever commits the offence of briber shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

Provided that bribery by treating shall be punished with fine only.

Explanation.- "Treating" means that form of bribery where the gratification consists in foo drink, entertainment, or provision.

Punishment for undue influence or personation at an election.

171-F. Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

False statement in connection with an election.

171-G. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished wit fine.

Illegal payments in connection with election.

The 1st Member of Council has ordered that this shd. be retained (Para 4 in Legis: 4 of 1924). Yes. This is all right hn

171-H. Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any -- advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such -- candidate, shall be punished with fine which may extend to five hundred rupees.

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses w were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Failure to keep election accounts.

There is a similar order about this also. Yes hn

171-I. Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at, or in connection with ~~the~~ an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees".

Amendment of the Code of Criminal Procedure (Regulation II of 1904).

3. (1) in section 196 of the Code of Crimina Procedure, 1904, after the words "Chapter VI" th words "or IXA" shall be inserted.

(2) In schedule II to the same code after the entries relating to Chapter IX of the India Penal Code the following shall be added, namely

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"Chapter IX A.- Offences relating to elections."

171-E.	Bribery	shall not arrest without warrant.	Sum mons	Bail- able	Not com- poundable	Imprisonment of either description for one year or fine, or both or if threatening only, fine only.	Magis- trate of the first class
171-F.	Undue influence and personation at an election.	-do-	-do-	-do-	-do-	Imprisonment of either description for one year or fine or both.	-do-
171-G.	False statement in connection with an election.	-do-	-do-	-do-	.do.	F i n e	-do-
171-H.	Illegal payments in connection with elections.	-do-	-do-	-do-	-do-	Fine of Rs. 500/-	-do-
171-I.	Failure to keep election accounts.	-do-	-do-	-do-	-do-	-do-	-do-

Part II.

Election Inquiries and other matters.

Definitions.

4. In this Part, unless there is anything repugnant in the subject or context,—

(a) "Costs" means all costs, charges and expenses of, or incidential to, an inquiry;

(b) "Election" means an election to the Mysore Legislative Council; Repve Assembly or the Mysore

(c) "Inquiry" means an inquiry in respect of an election by a District Judge; or by a Commissioner appd by Govt.

(d) "Pleader" means any person entitled to appear and plead for another in a Civil Court and includes an advocate of the High Court.

added subject to appl.

(2)

This is all right — But we have to add these words wherever — in some clauses in this draft? — in some clauses we have used "Court" and in some "Court" as well

Powers of District Judge, and Commissioner.

5. The District Judge or Commissioner or Commissioners appointed to hold an inquiry shall have the powers which are vested in a Court under the Code of Civil Procedure, 1911, when trying a suit in rrspect of the following matters:-

(a) discovery and inspection,

(b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,

(c) compelling the production of documents,

(d) examining the witnesses on oath,

(e) granting adjournments,

(f) reception of evidence taken on affidavit, and

(g) issuing commissions for the examination of witnesses,

and may summon and examine suo motu any person whose evidence appears to them to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.- For the purposes of enforcing the attendance of witnesses the local limits of the District Judges' jurisdiction shall be the local limit of his civil jurisdiction in which the election was held.

(3) what about the jurisdiction of Courts?

Application of Act I of 1872 to inquiries.

6. The provisions of the Indian Evidence Act 1872 as in force in Mysore shall, subject to the provisions of this Regulation, be deemed to apply in all respects to an inquiry.

Documentary evidence.

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Obligation of witness to answer and certificate of indemnity.

8. (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the

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ground that the answer to such question will criminate or may tend, directly or indirectly to criminate him; or that it will expose, or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind;

Provided that -

(i) no person who has voted at an election shall be required to state for whom he has voted; and

(ii) a witness who, in the opinion of the District Judge or Commissioner has answered truly all questions which he has been required by them to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX A of the Indian Penal Code arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding.

(2) Nothing in sub section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

Appearance by pleader.

9. Any appearance, application, or act before the District Judge or Commissioner may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the District Judge or Commissioner so directs be made by the party in person.

Expenses of witnesses.

10. The reasonable expenses incurred by any person in attending to give evidence may

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be allowed by the District Judge or Commissioner to such person, and shall, unless the District Judge or Comm^r otherwise directs be deemed to be part of the costs.

Costs and Pleaders' fees, etc.,

11. (1) Costs shall be in the discretion of the District Judge or Comm^r and the District Judge or Comm^r shall have full power to determine by and to whom and to what extent such costs are to be paid. The District Judge or Comm^r may allow interest on costs at a rate not exceeding six per cent per annum any such interest shall be added to the costs.

some more words found in the B. J. Act and omitted as ordered by Hon'ble Member in Legn & 1924. Yes

(2) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the District Judge or Comm^r may allow.

Execution of orders as to costs.

12. Any order made by the District Judge or Comm^r regarding the costs of the inquiry may be produced before the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

This is new. Added under the orders of Hon'ble Member Yes

13. The Government may appoint one or more commissioners for inquiry in respect of an election and when such appointment is made the Comm^r or commissioners shall have all the powers vested in a District Judge under this Regulation and the District Judge shall cease to have jurisdiction in respect of the election.

Disqualification of persons found guilty of election offences.-

(4) for or ?

14. Any person who has been convicted for an offence under section 171-E or 171-F of the Indian Penal Code shall be disqualified for five years from the date of such conviction from -

(a) being appointed to, or acting in, any judicial office;

(b) being elected to any office of any local authority when the appointment to such office is by election,, or holding or exercising any such office to which no salary is attached;

(c) being elected or sitting or voting as a member of any local authority; or

(d) being appointed or acting as a trustee of a public trust:

Provided that the Government may exempt any such person from such disqualification.

Maintenance of secrecy of voting.

15 (1) Every officer, clerk, agent or other person who performs any duties in connection wit the recording or counting of voted at an electio shall maintain and aid in maintaining thr secrec of voting and shall not (except for some purpose authorised by or under any law) communicate to a person any information calculated to violate -- such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either descript tion for a term not exceeding three months or with fine, or with both.

Bw

LAW SECRETARIAT.

No. Rel. 510—*L. C.* 8-29-1, *dated* 18—20*th December* 1929.

In exercise of the powers vested in them under sections 6 of the Mysore Legislative Council Regulation, XIX of 1923, the Government of His Highness the Maharaja are pleased to make the following rules in supersession of the rules laid down in Notification No. P. 2407—Legis. 13-23-7, dated 7th November 1923, Rule 16 of the rules issued with Notification No. P. 3539—Legis. 13-23-11, dated 2nd January1924, and Rule 10 of the rules issued with Notification No. Rel. 320—R. A. 15-26-7, dated 11th November 1926, for the decision of disputes as to the validity of any election to the Legislative Council :—

Election of a candidate to be invalid if corrupt practice is committed by the candidate or at his instance.

1. No election of a candidate shall be valid if any corrupt practice is committed in connection therewith by the candidate or at his instance.

Definition of corrupt practice.

2. A person, shall be deemed to have committed corrupt practice—

(i) who, with a view to induce any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit, or holds out any threat of injury to any person ; or

(ii) who himself or through his agent or at his expense feeds or entertains his voters shortly before the poll, or pays the expenses of travel or hired conveyance, in order to induce them to give votes in his favour ; or

(iii) who gives, procures, or abets the giving of, a vote in the name of a voter who is not the person giving such vote ; or

(iv) who induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure.

EXPLANATIONS.

(*a*) A corrupt practice shall be deemed to have been committed by a candidate if it has been committed with his knowledge or consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

(*b*) The expression " a promise of individual profit " includes a promise for the benefit of the person himself or of any one in whom he is interested.

Election petition by whom, to whom and when to be presented.

3. Any person who was a candidate at the election or not less than ten voters may, within one week after the day on which the result of the election was declared, contest the election of a candidate on the ground or corrupt practice or on the ground of any illegality or material irregularity, by presenting in writing a petition to the District Judge having jurisdiction over the area in which the election has been or should have been held :—

Provided that in the case of the planting constituency, the petition shall be presented to the District Judge having jurisdiction over the area in which the candidate whose election is disputed, resides :

Provided also that, on sufficient cause being shown, the limit of one week prescribed by this rule may be extended by the District Judge.

Contents of the election petition.

4. (1) The petition shall specify the acts which the objector or objectors allege as amounting to corrupt practice, illegality or material irregularity and affecting the result of the election and which he or they are prepared to substantiate and set forth full particulars of such corrupt practice including as full a statement as possible of the names of the persons alleged to have committed it and the date and place of the commission of the same.

(2) The petition shall be signed and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure.

Petition to be accompanied by deposit.

5. Every petition shall be accompanied by a deposit of Rs. 100 (one hundred) as security towards all costs, which may become payable by the petitioner or petitioners.

Petition to be posted for hearing.

6. The petition shall be posted for hearing and notice thereof shall be given to the candidate whose election has been objected to.

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Inquiry by District Judge.

7. (1) The District Judge may, after inquiry, pass an order confirming or amending the declared result of the election or setting aside the election. For the purpose of the said inquiry, the District Judge, may summon or enforce the attendance of witnesses and compel them to give evidence and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion if any, of the costs as is in excess of the sum of Rs. 100 paid at the time of the presentation of the petition, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The procedure prescribed in the Code of Civil Procedure shall, as far as possible, be followed in such inquiries.

(2) (*a*) The District Judge, if he is satisfied that a candidate has within the meaning of Rule 2 committed any corrupt practice for the purpose of the election, shall set aside the election of such candidate if he has been elected.

(*b*) If in any case to which clause (*a*) does not apply the validity of the election is in dispute between two or more candidates, the District Judge shall, after scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who has secured the largest number of votes to have been duly elected : Provided that for the purpose of such computation no vote shall be reckoned as valid if the District Judge finds that any corrupt pratice was committed by any person known or unknown in giving or obtaining it.

(3) If the validity of the election is questioned or disputed only on the ground of an error by the officer or officers charged with carrying out the rules relating to the conduct of elections or of an irregularity or informality not corruptly caused, the District Judge shall not set aside the election.

EXPLANATION.—

The expression "error" in this sub-rule does not include any breach of, or any omission to carry out, or any non-compliance with, the provisions of the rules whereby the result of the election has been materially affected.

(4) If the District Judge sets aside the election, necessary steps shall be taken for holding a fresh election.

(5) An appeal shall lie to the Chief Court from the order of the District Judge only on a point of law.

(6) An appeal under sub-rule (5) shall be preferred within 15 days from the date of such order exclusive of the time required for obtaining a copy of the order.

By Order,
P. MAHADEVAYYA,
Secretary to Government
Law Department.

LAW SECRETARIAT.

No. Rel. 509—*R. A.* 35-29-1, *dated* 18—20*th December* 1929.

In exercise of the powers vested in them under Section 6 of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to make the following rules, in supersession of the rules laid down in Notification No. P. 2400—Legis. 12-23-7, dated 7th November 1923, Rule 15 of the Rules issued with Notification No. 3255—Legis. 12-23-11, dated 19th December 1923, Rule 16 of the Rules issued with Notification No. P. 3584—Legis. 12-23-14, dated 5th January 1924, and Rule 9 of the Rules under the heading "Elections" issued with Notification No. P. 5923—Legis. 23-21, dated 16th January 1924, for the decision of disputes as to the validity of any election to the Representative Assembly :—

1. No election of a candidate shall be valid if any corrupt practice is committed in connection therewith by the candidate or at his instance.

Election of a candidate to be invailed if corrupt prac ice is committed by the candidate or at his instance.

Definition of corrupt practice.

2. A person, shall be deemed to have committed a corrupt practice.

(*i*) who, with a view to induce any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit, or holds out any threat of injury to any person ; or

(*ii*) who himself or through his agent or at his expense feeds or entertains his voters shortly before the poll, or pays the expenses of travel or hired conveyance, in order to induce them to give votes, in his favour ; or

(*iii*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote ; or

(*iv*) who induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered any object of divine displeasure or of spiritual censure.

EXPLANATION.—

(*a*) A corrupt practice shall be deemed to have been committed by a candidate if it has been committed with his knowledge or consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

(*b*) The expression "a promise of individual profit" includes a promise for the benefit of the person himself or of any one in whom he is interested.

3. Any person who was a candidate at the election or not less than ten voters may, within one week after the day on which the result of the election was declared, contest the election of a candidate on the ground of corrupt practice or on the ground of any illegality or material irregularity, by presenting in writing a petition to the authority mentioned below :—

Election petition by whom, to whom and when to be presented.

Legal interests. District Judge, Bangalore.

Mysore University. District Judge, Mysore.

Constituency consisting of more than one association. District Judge of the division in which the person against whose election objection is taken resides.

Any other constituency. District Judge of the division in which the election took place.

Provided that on sufficient cause being shown, the limit of one week prescribed by this rule will be extended by the District Judge.

4. (1) The petition shall specify the acts which the objector or objectors allege as amounting to corrupt practice, illegality or material irregularity and affecting the result of the election and which he or they are prepared to substantiate and set forth full particulars of such corrupt practice including as full a statement as possible of the names of the persons alleged to have committed it and the date and place of the commission of the same.

Contents of the Election petition.

(2) The petition shall be signed and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure.

5. Every petition shall be accompanied by a deposit of Rs. 100 (one hundred) as security towards all costs, which may become payable by the petitioner or petitioners.

Petition to be accompanied by deposit.

Petition to be posted for hearing.

6. The petition shall be posted for hearing and notice thereof shall be given to the candidate whose election has been objected to.

Enquiry by Judge.

7. (1) The District Judge may, after summary inquiry, pass an order confirming or amending the declared result of the election or setting aside the election. For the purpose of the said inquiry, the District Judge may summon or enforce the attendance of witnesses and compel them to give evidence and he may also direct, by whom the whole or any part of the costs of any such inquiry shall be paid. If the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum of Rs. 100 paid at the time of the presentation of the petition, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The procedure prescribed in the Code of Civil Procedure shall, as far as possible, be followed in such inquiries.

(2) (*a*) The District Judge, if he is satisfied that a candidate has within the meaning of Rule 2 committed any corrupt practice for the purpose of the election, shall set aside the election of such candidate if he has been elected.

(*b*) If in any case to which clause (a) does not apply the validity of the election is in dispute between two or more candidates, the District Judge shall, after scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who has secured the largest number of votes to have been duly elected: Provided that for the purpose of such computation, no vote shall be reckoned as valid if the District Judge finds that any corrupt practice was committed by any person known or unknown in giving or obtaining it.

(3) If the validity of the election is questioned or disputed only on the ground of an error by the officer or officers charged with carrying out the rules relating to the conduct of elections or of an irregularity or informality not corruptly caused, the District Judge shall not set aside that election.

EXPLANATION.—

The expression 'error' in this sub-rule does not include any breach of or any omission to carry out or any non-compliance with the provisions of the rules whereby the result of election has been materially affected.

(4) If the District Judge sets aside the election, necessary steps shall be taken for holding a fresh election.

(5) An appeal shall lie to the Chief Court from the order of the District Judge only on a point of law.

(6) An appeal under sub-rule (5) shall be preferred within 15 days from the date of such order exclusive of the time required for obtaining a copy of the order.

By Order,

P. MAHADEVAYYA,

Secretary to Government,
Law Department

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. Rel. 484-507—R. A. 46-28-2, dated 17th December 1929.

Committee appointed to revise the rules relating to the Representative Assembly and the Legislative Council.

Passes orders on the report of the ——.

READ—

Government Order No. 1601-18—L. C. 32-26, dated 20th May 1927, appointing a Committee to revise the rules relating to the Representative Assembly and the Legislative Council.

2. Report of the Committee submitted with letter No. Rel. 921, dated 11th June 1928.

ORDER THEREON No. Rel. 484-507—R. A. 46-28-2, DATED 17TH DECEMBER 1929.

In response to a resolution moved in the Legislative Council in February 1927, a Committee composed as noted in the margin was appointed by Government to examine the rules relating to the Representative Assembly and Legislative Council and to make recommendations with a view to their amendment.

1. Rajasabhabhushana K. Chandy (Chairman).
2. B. Nagappa, Esq., Bar-at-Law.
3. B. Narasinga Rao, Esq.
4. C. Subba Rao, Esq., B.A., B.L.
5. A. Krishna Rao, Esq., B.A., B.L.
6. S. P. Rajagopalachari, Esq., B.A., B.L.
7. D. V. Gundappa, Esq.
8. Khan Bahadur Mohamed Abbas Khan.
9. R. Ranga Rao, Esq., B.A., B.L.
10. N. S. Subba Rao, Esq., M.A., Bar-at-Law.

2. The terms of reference to the Committee were:—

(i) to inquire into the difficulties arising from or defects inherent in the working of the rules and standing orders made under the Mysore Representative Assembly Regulation, 1923, and the Mysore Legislative Council Regulation, 1923, and

(ii) to investigate the feasibility and desirability of securing remedies for such difficulties or defects consistently with the structure, policy and purpose of the Representative Assembly and Legislative Council Regulations and the policy laid down by His Highness the Maharaja's Proclamation of 27th October 1923

(*a*) by action taken under the rules and standing orders, or

(*b*) by such amendments of the rules and standing orders as appear necessary to rectify any administrative imperfections.

(iii) to suggest measures for improving the method of publication of the proceedings of the Representative Assembly and the Legislative Council.

3. The Committee commenced its work in November 1927 and submitted its report in June 1928. The report contains a summary of the Committee's recommendations which are in the form of two Manuals, one for the Representative Assembly and the other for the Legislative Council, incorporating therein revised Rules and Standing Orders for the Representative Assembly and the Legislative Council as proposed by the Committee. The Committee have devoted much time and thought to the work assigned to them and their report has been of great assistance to the Government in dealing with the various proposals which have been made for revising the rules of the two Constitutional Houses. The Government desire to convey their acknowledgments to the Chairman and the members of the Committee for their valuable report.

4. Government have considered the recommendations of the Committee and are now pleased to pass the following orders:—

5. Briefly, the recommendations of the Committee aim at extending the franchise amending the rules, regulating elections and the decision of election disputes, widening the range of subjects for discussion and improving generally the course and conduct of business in the two Houses.

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6. The extension of the franchise proposed by the Committee consists in the inclusion of Pleaders in the Legal Interests Constituency of the Representative Assembly, of title-holders in the Rural and Urban Constituencies of the Legislative Council as well as of the Representative Assembly and of registered graduates in the University Constituency of the Legislative Council. Government accept these proposals, subject to the franchise in the case of the constituency last mentioned being limited to registered graduates of not less than seven years' standing as in British India. They have already amended the rules, and the voters' lists for the ensuing general elections have also been prepared accordingly.

7. The need for requiring candidates standing for election to the Representative Assembly and the Legislative Council to furnish deposits liable to forfeiture in certain Contingencies, has been repeatedly brought to the notice of Government through resolutions both in the Representative Assembly and the Legislative Council and it is also endorsed by the Committee. Government have therefore decided to introduce this system and to issue the necessary rules on the lines suggested by the Committee.

8. The present arrangement by which disputes arising out of the Representative Assembly elections are decided by the Deputy Commissioner and those arising out of the Legislative Council elections, by the District Judge, subject to an appeal to Government in the one case and with no appeal in the other, has been felt to be defective. The Committee's proposal is that like the petitions relating to the Legislative Council elections, those relating to the Representative Assembly elections should also be heard and determined by the District Judges and that provision should also be made in both cases for an appeal to the Chief Court if any points of law are involved. Government are pleased to accept this recommendation and also approve of the detailed rules framed by the Committee in that behalf.

9. The system of postal voting is, as observed by the Committee, liable to abuse and will be abolished.

10. While non-official members have been permitted to introduce Bills in the Legislative Council, there is now no specific provision for the general principles of such Bills being placed before the Representative Assembly as there is in the case of Bills introduced by Government. This omission has been pointed out by the Committee and the rules proposed by them in this behalf are acceptable to Government and will be adopted.

11. The proposal of the Committee that the duration of the Dasara and the Budget Sessions of the Assembly may be extended to ten and eight days respectively requires no orders, in view of the discretion to extend the term of any Session, vested in the President and usually exercised by him when necessary.

12. The holding of special Sessions of the Assembly on the requisition of non-official members and the transaction of non-official business at such sessions are not in consonance with the generally accepted constitutional practice. Government regret that they cannot agree to the amendments to the rules of business proposed by the Committee in these directions.

13. The Committee suggests that not less than two days should be allotted exclusively for non-official business at each session of the Legislative Council. But a hard and fast rule of this kind may not only be unworkable but also prove to be of doubtful advantage even from the non-official point of view. The number of days that can be allotted for non-official business has necessarily to be determined for each session with due regard to the volume of Government business to be got through in the course of the session compatibly with the public interests.

14. The Committee has recommended that important Questions, Resolutions and Representations for the Representative Assembly which are not selected at the preliminary meetings held by the Deputy Commissioner in each District and which may not relate to Minority or Special Interests may also be admitted by the President at his discretion. Government are not inclined to accept this recommendation. The general rule now is that only those subjects that receive the largest measure of support from the members present at the preliminary meeting are to be selected for inclusion in the agenda, but at the discretion of the President other subjects affecting minority or Special Interests may also be admitted. With a view to securing definiteness and uniformity of practice in this respect, it appears to Government that the scope of the

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concession in the matter of sending up subjects other than those selected at the preliminary District Meetings should be defined and they have accordingly decided that a member representing a Minority or Special Interest may be permitted to send up not more than two Questions, one Resolution, and two Representations concerning the interests represented by him, if they are otherwise unobjectionable.

15. Such amendments to the electoral rules and rules of business as are necessary for giving effect to the foregoing decisions will be notified separately. The procedure suggested by the Committee for amending the Standing Orders of the Representative Assembly commends itself to Government and the Assembly will be moved in due course to accord its approval to it.

16. Government have noted for consideration at a suitable opportunity, the recommendation of the Committee that (*a*) Aided Education, (*b*) Maternity and Child Welfare, and (*c*) Indigenous Medicine, may be recognised as Special Interests requiring representation in the Assembly.

17. The question of introducing legislation on the lines of the Indian Election Offences and Inquiries Act of 1920, is reserved for further consideration.

18. The measures proposed by the Committee for expediting the publication of the proceedings of the Representative Assembly and the Legislative Council will be further examined and carried into effect as far as possible.

P. MAHADEVAYYA,
Secretary to Government,
Law Department.

To—The Deputy Commissioners of Districts.
The President, Bangalore City Municipality.
The President, Mysore City Municipality.
The President, Sanitary Board, Kolar Gold Fields.
The Registrar, Chief Court.
The Registrar, University of Mysore.
The *Ex-officio* Secretary, Representative Assembly and Legislative Council.
The Members of the Committee.
The Compiler, *Mysore Gazette.*

Exd.—P. S. R. N. Press Table.

WD 1856—GPB—515—28-12-29.

STATEMENT OF THE GENERAL PRINCIPLES OF THE AMENDMENTS PROPOSED TO THE LAND ACQUISITION REGULATION.

The British Indian Land Acquisition Act of 1894 on which the Mysore Land Acquisition Regulation, 1894, was based has been amended by Act XXXVIII of 1923, and the question of amending the Mysore Regulation on similar lines was urged on the attention of Government at the Dasara Representative Assembly of 1923.

The chief feature of the amendment proposed is to provide for objections, if any, in respect of proposals for acquisition of land from persons interested, being received and considered by Government, before a declaration is made that the land is required for a public purpose. The advantage of the addition of such a provision is quite obvious. A period of thirty days will be allowed for the purpose, and the Deputy Commissioner will hear the party or his pleader and submit a report to Government, before Government decide on the acquisition of the land. A new section will be added to this effect as Section 5A and other incidental verbal changes made in other sections.

Section 18 is also proposed to be made more explicit by making it obligatory on the part of the Deputy Commissioner to make a reference to the Civil Court on an application by a person not accepting an award, as this section, as at present worded, has been held to leave the discretion to the Deputy Commissioner to make the reference or not.

STATEMENT OF THE PRINCIPLES OF THE ELECTION OFFENCES AND INQUIRIES BILL.

The Reforms Committee recommended the adoption of the British Indian Act XXXIX of 1920 (Indian Election Offences and Inquiries Act).

A Bill has accordingly been drafted and it consists of two parts.

Part I declares certain transactions connected with elections as offences under the Indian Penal Code.

They are (1) bribery, (2) undue influence, (3) personation, (4) making a false statement in connection with an election, (5) incurring unauthorised expenditure for the purpose of procuring or promoting the election of a candidate and (6) failure to keep election accounts where such are required by law.

Part II provides for the inquiry into disputes relating to elections to the Legislative Council. The District Judge is invested with the powers of a Civil Court for the purpose of such inquiry, such as enforcing attendance of witnesses and production of documents. Power is also taken to appoint if necessary commissioners for inquiry in place of the District Judge.

Provision is also made for disqualifying persons convicted of the offence of bribery or undue influence in connection with an election, for five years, from holding a judicial office or other offices to which appointment is by election and from being a member of a local authority. Government may, however, exempt any such person from any such disqualification.

NOTE ON THE MAINTENANCE OF RESTORED TANKS.

The individuals held responsible for the maintenance and up-keep of the tanks are the Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry or wet, the inhabitants of the village and all others deriving any benefit whatever from the tank, either directly or indirectly *vide* Article 360 of the Revenue Manual.

The works falling under the head of tank maintenance are detailed below :—

Nature of work to be done by raiyats.

(1) To maintain the bund to the standard level and with the slopes specified.
(2) To fill up gullies or other inequalities caused by rain, the treading of cattle, etc., upon the bunds of tanks and channels.
(3) To check the growth on bunds of prickly pear and any similar rank and pernicious weed.
(4) To clear any underwood from the bunds of tanks wherever it may be injurious.
(5) To clear and repair the earthwork of petty and branch channels and clear away the accumulatives in sluices, and in all channels issuing from tanks which obstruct the flow of water to the fields.
(6) To keep in order the supply channels of tanks.
(7) To watch the bunds of all tanks during rainy weather, etc.

In case of default by any individual in the execution, the Patel is empowered and required to carry out the portion of the work that ought to have been done by the defaulter, by paid labour, the cost being recovered from the defaulter as a revenue demand.

Where tanks have deteriorated owing to neglect of maintenance, the maximum amount that should be levied from the raiyats for their cumulative neglect is one year's assessment of land in the atchkat of the tank.

II. With regard to levy of acreage cess in commutation of maintenance work, the best practicable means of maintaining tanks in good order is to entrust their management to the raiyats of the village, who are the natural guardians and immediate beneficiaries of the works. Government cannot relieve the cultivating raiyats of their responsibility in this respect and introduce *as a general rule*, the system of acreage under all irrigation works. The acreage cess can only be imposed where the raiyats have voluntarily agreed, by executing mutchalikas, to pay the cess instead of contributing labour and cannot, at present, be compulsorily levied. The levy of the cess must remain as at present, an exceptional measure and is perhaps desirable in the case of large tanks with atchkats extending over a number of villages where owing to (*a*) the large number of absentee landlords, (*b*) factions in different villages, (*c*) scarcity of population or (*d*) other similar causes, communal labour cannot be readily obtained; and even in these cases the cess should cover special establishment charges for supervision and prompt execution of works, regulation of water, etc.

Though the rules of tank maintenance are definite, it is noticed from the inspection of a large number of tanks, major and minor, in the Tumkur District that invariably the maintenance work is absolutely neglected and in fact not carried out at all. The raiyats are further encouraged by the fact that the liability of neglect of maintenance is limited to one year's assessment as stated above. Under such conditions, the restoration of tanks carried out by Government will have been practically in vain as they are reduced to the same inefficient condition as before by utter neglect. The co-operation of the raiyats in this matter is an extremely urgent necessity.

Proposals.

(1) Legislation to make the maintenance work compulsory;
(2) Failing execution, levy of actual cost of work done by Government;
(3) In the alternative, legislation for levy of acreage cess; and
(4) Handing it over to Tank Panchayets for maintenance.

Statement of the General Principle of the Bill to amend the Land Revenue Code.

Under the existing law, application by a private individual to set aside a sale of immovable property held for the recovery of the arrears of land revenue may be made only on the ground of some material irregularity or mistake or fraud. The Deputy Commissioner, may, however, cancel sales in his discretion under Section 185 of the Land Revenue Code, although no application is made to him or on grounds other than those contained in any applications that may have been made to him. Although Section 185 confers wide powers of discretion to the Deputy Commissioner in the matter of confirmation or cancellation of revenue sales, experience has shown that the discretion has not often been used in a liberal spirit. It is proposed, therefore, to amend the law on the lines of the provisions in the Civil Procedure Code. It is proposed to provide that the sales of land for arrears of revenue shall be cancelled if any person claiming interest in the land applies within 30 days of the date of sale for its cancellation after depositing 5 per cent of the purchase money and also the arrears for which the land was sold together with interest thereon and the expenses of attachment and sale. If more than one applicant comes forward the application of the first depositor is proposed to be accepted.

Statement of the General Principles of the Amendments proposed to the Income Tax Regulation of 1923.

It is proposed to amend the Mysore Income Tax Regulation of 1923, in respect of the following points:—

1. (*a*) Assessment of associations, clubs, etc., which are neither companies nor firms;

(*b*) Revision of the phraseology of Section 4 of the Regulation.

(*c*) Revision of the phraseology of Section 25 of the Regulation.

(*d*) Adding a proviso to Section 56 of the Regulation explaining the method of assessment of partners of a registered firm individually to super-tax, where there has been a change in the constitution of the firm;

(*e*) Fixing a time limit for presenting applications to the Chief Court to require the Commissioner to state a case and to refer it [(Section 66 (3).]

2. The present Regulation does not expressly provide for the assessment of income, profits or gains of an association or club, which is neither a company, nor a firm, nor a Hindu undivided family. This is an omission, as it was intended to tax associations or clubs. It is proposed to make necessary provision to tax such institutions.

3. The amendment of Sections 4 and 25 involves no question of general principle. The existing phraseology has been found to be defective and so it is proposed to revise it so as to make the meaning clear.

4. The amendment of Section 56 of the Regulation is proposed with a view to avoid difficulties in assessing the partners of a registered firm individually to super-tax. The practice hitherto has been to levy super-tax on the partners of registered firms according to their share at the time of assessment in the profits of the firm in the preceding year and it is now proposed to legalise this practice.

5. Under Section 66 (2) an assessee may apply to the Commissioner of income-tax for a reference being made to the Chief Court on any point of law. If the Commissioner refuses to make a reference on the ground that no point of law is involved, the assessee may himself apply to the Chief Court to require the Commissioner under Section 66 (3) to state the case to it. At present, no time limit is provided in the Regulation within which the assessee has to make such application to the Chief Court. A time limit of 6 months from the date of Commissioner's notice of refusal is proposed to be fixed.

Statement to be placed before the Representative Assembly *re* Bill to further amend the Mysore Civil Courts Regulation I of 1883.

The Mysore Civil Courts Regulation I of 1883 provides for the appointment of only one Judge for a Subordinate Judge's Court and only one Munsiff for a Munsiff's Court and whenever arrears accumulate in such courts, it is found necessary to establish temporarily additional courts with separate establishments. Apart from the cost involved in this arrangement, the District Judge will have to formally transfer suits and proceedings from the permanent to the additional courts and retransfer them to the permanent courts when the additional courts cease to exist. Complications also arise while executing decrees or orders passed by the additional courts after they are abolished. To obviate these difficulties it is proposed to amend the Mysore Civil Courts Regulation on the lines on which the Madras Civil Courts Act of 1873 has been recently amended by Act III of 1925. The Government will be empowered to fix and from time to time vary, the number of Munsiffs and Subordinate Judges to be appointed to a Munsiff's or Subordinate Judge's Court as the case may be. When more than one Judge is appointed to a Subordinate Judge's Court or a Munsiff's Court, one of them to be styled the Principal Judge of the Court will be authorised, subject to the general or special orders of the District Judge, to make from time to time such arrangements as he thinks fit for the distribution of the business of the court among the various judges thereof. Each of the Judges may, however, exercise all or any of the powers conferred on the Court by the Civil Courts Regulation or any other law for the time being in force.

The pecuniary jurisdiction of the Munsiff which now extends to Rs. 2,500 is also proposed to be raised to Rs. 4,000.

WD 494—GPB—500—18-9-25

The Mysore Representative Assembly.

BUDGET SESSION—JUNE 1931.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I

General Principles of the Bill to amend the Hindu Law as to the Rights of Women.

The question of improving the position assigned to women under the Hindu Law as at present administered by the Courts in the State was frequently pressed on the attention of the Government. A resolution was also moved at the Dasara Session of the Representative Assembly in 1928 and, as a result of the discussions therein, the Government appointed in June 1929 a Committee consisting of ten non-official gentlemen with Rajadharmapravina Diwan Bahadur K. S. Chandrasekhara Aiyar, B.A., B.L., as Chairman, to examine the subject in all its aspects, including incidental questions that may arise in connection with it, to submit a report to the Government indicating in what respects the present Law stands in need of reform, and to prepare a draft Bill embodying the recommendations of the Committee in the matter.

The Committee submitted in September 1930 a comprehensive and unanimous report together with a draft Bill embodying their recommendations. The report was published under G. O. No. P. 1559-70—Legis. 24-30-2, dated 13th September 1930. A full resume of the report was published in the Gazette in English as well as in Kannada and copies were widely distributed.

Judging by the expressions of well-informed and englightened opinion, the recommendations of the Committee are generally viewed on the whole with a considerable measure of appreciation. It is true that in the opinion of several sympathetic critics the proposed changes do not go sufficiently far to improve the position of women. On the other hand, there are a few who are opposed on principle to any change whatever in the existing Law. Apart from these, various suggestions have been received for improving and amending the provisions of the Bill on points of detail, which will be duly considered at the proper stage. As it appears that the weight of public opinion is in favour of undertaking legislation, the Government desire to place before the Assembly a statement of the general principles underlying the Bill for the expression of its opinion.

The general principles of the Bill are the following :—

I. Inheritance and Order of Succession.

The principle is definitely recognised that women shall not be excluded from inheritance on the ground of their sex or on the ground of the absence of textual authority.

Their right of heirship and their place in the order of succession will be governed by the recognised canons of heirship, *viz.*, consanguinity and propinquity. A classified table of heirs of both sexes within a range of three degrees is suggested to be laid down indicating the exact position to be assigned in the order of succession to various female relatives or relatives connected through females who are at present either placed lower down or altogether omitted, though belonging naturally and properly to the family of the deceased. General rules governing the order of preference have also been proposed to be definitely laid down.

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II. Joint Family incidents.

Property acquired by a member of a joint family by his self-exertions is *prima facie* his separate property in which female heirs would have a heritable right.

This is a well recognised principle, but some doubt as to the scope thereof is possible in view of some recent British Indian decisions. The possibility of doubts on the point is removed recently in British India by the Hindu Gains of Learning Act. A similar provision is recommended here covering all modes of self-acquisitions made without material and direct aid from joint family property.

The right of a member of a joint family to bring about a separation of interests by a unilateral declaration of intention to divide is now established by judicial decisions, but it is not sufficiently well known. The fact has obviously a material bearing upon the rights of a coparcener's wife, daughters and other female relatives. The law on this point is therefore proposed to be declared in clear terms.

The allotment of shares to female relatives is enjoined in the texts of law and is also in operation in certain parts of India. It existed in the past even in Southern India but it has now fallen into disuse there. Although the practice as it was in the past cannot now be restored in full, it is considered desirable that it should be revived in the cases of the widow, the mother, the unmarried daughter and the unmarried sister who are even now entitled to provision being made for maintenance, marriage expenses, etc. It is thought that this recognition of a right to a share will make for a decided improvement in the legal position of women.

III. Adoption.

At present widows can only make an adoption to their husbands if they are specially authorised by the husband or if they obtain the consent of the *sapindas* after the husband's death, a consent which would naturally be difficult to obtain. In the sister Presidency of Bombay, widows are presumed to have the authority to adopt except when there is an express prohibition. This is a beneficial principle which will obviate much litigation and is accordingly recommended. This ought not of course to affect the widow's right alternatively to claim either maintenance or a share in property.

IV. Women's Estate.

Though, according to the Mitakshara, the term "Stridhana" was meant to apply to property of every description belonging to a woman, the tendency of decisions has been to exclude various items of property from its scope, particularly property acquired by inheritance. The result has been the creation of what is acknowledged to be an anomalous estate known as the Hindu Widow's Estate, with incidents tending to undue curtailment of women's rights and the perpetual fostering of protracted and often speculative litigation. This state of affairs can only be remedied by enlarging the powers of female heirs in regard to dealings with the property for necessary purposes and by recognising full powers of ownership in the case of certain near relatives such as the wife, the mother and the daughter of the previous male owner. It is accordingly proposed to be provided that estates inherited by a female from another female or from her husband or son or from a male relative connected by blood shall be classed as "Stridhana." The course of succession in the case of "Stridhana" is materially simplified by the removal of artificial distinctions and by providing a table of heirs which is made as far as possible uniform for the various kinds of property

V. Maintenance.

The existing Law with regard to maintenance presents some unsatisfactory features. While some female relatives are legally entitled to be maintained, there is only a moral obligation of maintenance in respect of certain others. The right of maintenance too is often liable to be defeated by the collusion or improvidence of those on whom the legal obligation lies. It is therefore proposed to define the cases in which the obligation of maintenance is personal and those in which it is dependant on the possession of property and also to define clearly the circumstances entitling a wife to separate maintenance.

It is further proposed to treat the right to maintenance as a charge on property liable to meet it, with priority over subsequent alienations not made in good faith.

Such in brief are the essential principles sought to be given effect to by the Bill.

II

General principles of the Election Offences and Inquiries Bill.

The Reforms Committee presided over by Rajamantrapravina Sir Brajendranath Seal, Kt., M.A., Ph.D., D.Sc., recommended the adoption of the British Indian Act, XXXIX of 1920 (Indian Election Offences and Inquiries Act).

A Bill was accordingly drafted and a statement of the general principles was placed before the Representative Assembly in 1925. It was welcomed by some of the members, but the general sense of the Assembly was that there was no urgent need therefor and the introduction of the measure might be postponed. The matter was therefore dropped.

The Committee, which was appointed in 1927 in response to a resolution in the Legislative Council to revise the rules relating to the Representative Assembly and the Legislative Council recommended among other matters the introduction of legislation on the lines of the Indian Election Offences and Inquiries Act and the Government, while passing orders on the recommendations in their Order No. Rel. 484-507 R. A. 46-28-2 dated 17th December 1929, reserved the subject for further consideration.

In regard to representative institutions it is essential that the purity of their representative character should be scrupulously maintained. The Government therefore consider it desirable that adequate safeguards should be provided to prevent the possibility of malpractices being resorted to in relation to elections. A Bill has accordingly been drafted and it consists of two parts:

Part I declares certain transactions connected with elections as offences under the Indian Penal Code. They are (1) bribery, (2) undue influence, (3) personation, (4) making a false statement in connection with an election, (5) incurring unauthorised expenditure for the purpose of procuring or promoting the election of a candidate and (6) failure to keep election accounts, where such are required by law.

Part II lays down provisions supplementary to the existing rules for the conduct of enquiries into disputes relating to elections to the Legislative Council and the Representative Assembly. The District Judge is invested with the powers of a Civil Court for the purpose of such enquiry and enabling provisions have been made in relation to reception, of evidence oral and documentary. Power is also taken to appoint, if necessary, commissioners for inquiry in place of the District Judge.

Provision is also made for disqualifying for five years persons convicted of the offence of bribery or undue influence, in connection with an election, from holding a Judicial office, or other offices to which appointment is by election, and from being a member of a local authority. Government may, however, exempt any such person from any such disqualification.

III

General Principles of the Draft Minor Municipalities Bill and the Bill further to amend the Mysore Municipal Regulation.

When the Bill further to amend the Mysore Municipal Regulation, since passed as Regulation VIII of 1927, was introduced into the Legislative Council in December 1926, it was suggested by some non-official members that a special committee might be appointed to examine the provisions of the Mysore Municipal Regulation and suggest improvements. This suggestion was accepted by Government. Government considered that the deliberations of the committee to be appointed for considering the improvements would be facilitated if a Bill to amend the Regulation were framed and placed before them. Accordingly a Bill to amend the existing Municipal Regulation was prepared and the present Municipal Regulation being found to be too complex to meet the simple requirements of the smaller municipalities, a draft Minor Municipalities Bill was also prepared for regulating the affairs of Minor Municipalities. A Committee was constituted in Government Order No. L. 4899-4907—Ml. 21-27-8 dated the 24th February 1928 for consideration of these Bills. The Committee examined the Bills at several sittings and they

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agreed with the suggestion that there should be a separate Regulation for Minor Municipalities and that the application of the existing Municipal Regulation may be restricted to Town and City Municipalities only. The Committee have taken the opportunity of introducing into the Bills provisions which experience has shown to be necessary or which, in-view of the development of the Municipal Administration in recent years in British India and elsewhere, it is considered expedient to adopt in our State. As far as possible, the provisions in the Minor Municipalities Bill conform to those in the present Regulation and in the other Bill except when a change is considered specially necessary. Before Legislation is undertaken to give effect to the recommendations of the Committee as embodied in the Bills, Government desire to place the main changes recommended by the Committee before the Representative Assembly for their views.

I. BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION.

The main changes introduced into the existing Regulation are the following

(1) Chief Officers.

Under the present Regulation, the executive administration is centred in the Municipal Council, except where a Chief Officer or a Commissioner has been appointed. The Municipal Council or the Committees in larger Municipalities can do little more than determine questions of policy and the Government officers, who are *ex-officio* Presidents in the majority of these Municipalities, cannot be expected to devote very large attention to Municipal matters. It is therefore necessary to have a permanent staff in these Municipalities to attend to the executive functions and to define with greater clearness the powers of the executive and to secure proper supervision and control by the appointment of a responsible executive officer with clearly defined statutory powers. The appointment of the Chief Officer is therefore made compulsory except when for special reasons Government consider it necessary to dispense with the appointment and the executive power generally vests in him. His powers are also proposed to be enhanced by allowing him to exercise the powers of the Municipal Council under Sections 68 B, 70 (1a) and (2), 76, 79 (3), (4) and (5), 81A (2), proviso 82 to 84, 84 B, 86 A (2), 95, 96 A, 97, 99, 117, 120, 126A, 131 A (2), 136, 139 (3), 154 and 155, appeals being allowed to the Municipal Council from the orders of the Chief Officer

(2) Minimum Population.

The minimum population for constitution of the Municipalities under the Regulation is raised from 2,000 to 5,000 as the Regulation will not be applicable to smaller Municipalities.

(3) Elected Element on Municipal Councils.

The minimum strength of the elected element on the Municipal Councils is raised from one-half to two-thirds of the total strength.

(4) Qualifications of Voters and Candidates.

The qualifications for voters and candidates have been specified in certain cases in the Regulation and the qualifications in other cases are regulated by rules framed by Government. It is decided to leave the qualifications of voters and candidates to be regulated by rules framed by Government and to delete Sections 12 and 21 of the Regulation.

(5) Publication of Election Roll.

It is considered unnecessary to annually revise the Municipal Election Roll and publish it every year. It is sufficient if the Municipal Election Roll is prepared only once in three years and opportunity is afforded to persons newly qualified to have their names enrolled at any time within one month preceding the date fixed for an election.

(6) Disqualification to be Councillors to cease automatically.

Under Section 15 (1) of the Municipal Regulation, the disqualifications in certain cases will continue to operate unless an order to the contrary is passed by Government. It is decided to automatically terminate the disqualifications after the lapse of a definite period as in the case of District Board members and to bring the disqualifications into line with the provisions in the District Boards' Regulation.

(7) Removal of Councillors.

It is considered necessary to afford opportunity to Councillors to explain at an enquiry before removing them from office.

(8) Election Disputes.

In order to obviate vexatious complaints in regard to Municipal elections, it is considered necessary to prescribe that the validity of Municipal elections should be disputed by a candidate who stood for election or by at least 10 persons qualified to vote at the election and that a deposit should accompany the application as in the case of elections to the District Boards. Provision is also made for appeals on points of law to the High Court from the orders of District Judge in election disputes. Section 22 is also made applicable to the election of Presidents by the general body voters. It is also considered necessary to debar Civil suits in regard to matters relating to appointment or removal of Councillors, Presidents or Vice-Presidents except where they are specially provided for.

(9) Election of Presidents and Vice-Presidents.

It is decided to leave the appointment of Vice-President to the discretion of the Municipal Council instead of to that of the Government. Salaried servants of Government are specifically made ineligible for election as Presidents and Vice-Presidents. The term of Presidents and Vice-Presidents elected by the Municipal Council which is now co-terminous with the term of the incumbents as Municipal Councillors is limited to one year.

(10) Vacation of seats by Presidents and Vice-Presidents.

There is no provision in the present Regulation for the automatic vacation of office by Presidents and Vice-Presidents. It is proposed to provide for such vacation—

(1) forthwith when a resolution to that effect is passed by a majority of not less than two-thirds of the whole number of councillors, and

(2) after the passing of a second resolution to that effect after an interval of not less than one month when a resolution to that affect is passed but not by a majority of not less than two-thirds.

(11) Executive Powers.

In view of the appointment of an executive officer generally for all Municipalities governed by the Regulation, it is not necessary to invest the President with executive functions generally. To meet the cases of Municipalities where there is neither a Chief Officer nor a Municipal Commissioner, it is considered necessary to empower the Presidents to exercise all the powers that may be exercised by the Municipal Commissioner in City Municipalities and the Chief Officer in other Municipalities.

In cases in which the Deputy Commissioner, Amildar or Deputy Amildar is an *ex-officio* President of the Municipal Council, it is considered necessary to authorise the Vice-President to exercise the powers of the President when the latter is absent, notwithstanding the provisions contained in Sections 9 and 13 of the Land Revenue Code. The duties of the Vice-Presidents are not at present uniform in all the Municipalities. It is proposed to take power to Government to define more definitely the powers of the Vice-President.

(12 MEETINGS OF MUNICIPAL COUNCILS.

Complaints have reached Government of undue delay in summoning special meetings duly requisitioned. Power is therefore given to the Vice-President or at least one-third of the whole number of Councillors to call a special meeting if the President does not call the meeting for a date not more than 15 days after the presentation of the requisition. The quorum of one-half for meetings of Town and Minor Municipal Councils is large and it is necessary to prescribe a uniform quorum of one-third for meetings of both City and Town Municipal Councils. Certain officers of Government specified in Section 26 (14) (*a*) of the Regulation have alone the right to attend the meetings of Municipal Councils. Power is taken to Government to allow any officer notified by Government in this behalf to attend meetings of Municipal Councils.

(13) CONTRACTS.

It is necessary to require Municipal Councils to invite tenders for supply of materials for execution of works when the value exceeds Rs. 1,000 ant to obtain sanction of Government to the acceptance of tenders when the cost exceeds Rs. 10,000. The powers of Municipal Councils in respect of purchase and sale of movable property and in respect of the transfer of immovable property are too low and they are proposed to be raised to Rs. 2,000 in City and Town Municipal Councils and Rs. 1,000 in the case of other Municipal Councils.

(14) LIABILITIES OF COUNCILLORS OFFICERS AND SERVANTS.

Municipal Councillors and Presidents are now personally liable for misapplication of the Municipal Fund. It is necessary to make them liable also for loss or waste of Municipal money or property caused by their negligence or misconduct. Essential servants of Municipal Council such as sweepers, etc., are not now required to give any notice before resigning their offices. With a view to prevent sudden strikes and dislocation of municipal work, it is considered expedient to require a month's notice and to make the omission so to give the notice penal.

(15) RULES AND BYE-LAWS.

There is no provision in the Regulation to make rules for authorising payment of compassionate gratuity to surviving relations of Municipal employees. Necessary provision is made so that the Municipal employees may have the same benefit as Government employees in this respect.

In order to secure uniformity in regard to levy of taxes by Municipal Councils and other matters incidental thereto, it is necessary to take power to Government to frame rules in the matter. Provision is also necessary for numbering and registration of all vehicles liable to Municipal taxation, for fixing terminal tax limits and taking measures for regulating the management of public parks and open spaces vested in the Municipal Council.

(16) FUNCTIONS OF MUNICIPAL COUNCILS.

The list of discretionary duties require amplification and provision is made for inclusion of the following duties :—

(*a*) Promotion of Co-operative Societies for the benefit of Municipal employees and of societies whose objects include housing the poorer and working classes.

(*b*) Provision of telephone service, transport facilities for the public and supply of electricity for lighting and power for public and private purposes.

(*c*) Maintenance of ambulance service

(*d*) Anti-rabic treatment.

(17) MUNICIPAL TAXES.

The maximum rates of taxes are specified in the body of the Regulation in some cases and in the schedules in other cases. To secure uniformity the maximum rates of taxes may be fixed in the schedules only. The existing maximum rates of tax leviable on motor vehicles are not adequate. The rates on motor buses and lorries is raised to Rs. 60 while that on motor cars of 15 cwts. and more is enhanced to Rs. 40 a year. The maximum rates of toll are made indentical with

those leviable on State Roads and the levy of toll on animals is discontinued. Provision is also made for the levy of terminal tax when octori is not levied. Power is also taken to Government to grant and define by order exemptions from payment of tolls and other taxes in exceptional cases in addition to those given in the Regulation or provided for by the Municipal Councils in the rules. It is also considered desirable to entrust the assessment of buildings and lands in Municipalities in each District to a Government Officer of the rank of an Amildar and to appoint for this purpose an Assessor for each District who will also conduct the revenue audit of Municipalities. Absence of specific provision for composition of tolls is causing a great deal of inconvenience. Provision is therefore made for composition of tolls and also of octori in order to minimise the inconvenience incidental to the levy of the duty. To facilitate collection of taxes, power is given to Municipal Councils to recover arrears of taxes by attachment and sale of immoveable property of defaulters, subject to the prior right of Government in respect of land revenue.

Decisions of Magistrates on appeals against notice of demand are not now subject to revision. Provision for revision in these cases is therefore made.

(18) Regulation of Streets and Buildings.

No specific provision exists for Municipal Councils to temporarily close public streets for executing works. Necessary provision is made for this purpose and power is given to Municipal Councils to create facilities on such occasions to the people concerned and pay compensation to persons sustaining special damages by such works.

In regard to buildings, Municipal Councils are given power to impose without any special authorisation by the Government conditions as to materials, dimensions and cubical contents of the rooms, doors and windows and to the number of storeys to be erected or the purposes for which the building is to be used. There is at present no limit as to the period for which the right to build by giving a notice accrues and it is decided to limit it to one year. It is also desirable to require the owner to give notice to the Municipal Council before completion of the building and occupy it after affording facility to the Municipal Council for inspection of the building. This provision will be enforced in only such of the Municipalities as are notified by Government in this behalf.

(19) Sanitary Matters.

It is necessary to give power to the Municipal Councils—

(i) to prohibit the use of a building or room which is unfit for human habitation and the cultivation of certain crops, and

(ii) to deal with collections of water which are likely to be breeding places of mosquitoes and to regulate the construction of tanks or ponds.

Provision is also made for prevention of nuisances from quarries and cart stands by including them under offensive trades.

(20) Audit of Accounts.

Audit of the Municipal Accounts by a Government Auditor is made compulsory and power is given to the Deputy Commissioners to surcharge on the report of the Auditor the persons responsible for deficiency or loss incurred by their negligence or misconduct.

(21) Powers in regard to Control.

There is no specific provision for inspection of City Municipal Offices. Power to inspect these offices is given to the Deputy Commissioners when so authorised by Government. Power is taken to Government to annul or amend any proceeding or resolution of Municipal Councils or their executive which is not in conformity with law or orders in force. Government Officers who take lawful action on behalf of or in default of Municipal Councils and enter into contracts, etc., are also afforded the same protection as is extended to Municipal authorities.

(22) Powers of Municipal Commissioner.

The powers of the Municipal Commissioner require modification. The powers of the Municipal Council under Sections 160 A and 161 A are conferred on the

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Municipal Commissioner. The limit of power to enter into contracts without the sanction of the Municipal Council is also raised from Rs. 500 to Rs. 1,000.

II. MINOR MUNICIPALITIES BILL.

It is already stated that the main object of the Bill is to provide a simple Regulation to suit the requirements of smaller Municipalities in the State. Minor Municipalities do not require elaborate provisions and the provisions to be made may be limited to what are really essential, the remaining provisions being regulated by rules which the Government may prescribe. A separate Bill has therefore been prepared for Minor Municipalities keeping these principles in view

The most important changes introduced by the Bill are the following :—

(1) *Constitution of Minor Municipalities.*

The minimum population for constituting an area as a Minor Municipality is fixed at 3,000.

(2) *Elections.*

Provision has been made for adult suffrage subject to the condition that in order to be qualified to be a voter, one should have resided in the Municipality for a period of not less than six months prior to the date of election. Munsiffs have been empowered to decide election petitions, appeals being allowed to the Chief Court from the order of the Munsiff only on a point of law.

(3) *Executive Officer and President.*

The finances of small Municipalities do not admit of the appointment of an executive officer for efficiently carrying out the executive functions. The executive powers in these Municipalities will, therefore, continue to vest in a President and it is necessary that he should be responsible to the Government for the fulfilment of the purposes of the Regulation. In order to enable him to carry out his functions without undue interference, the President has been invested with certain powers independent of the Municipal Council and appeals are allowed to the Municipal Council from his orders.

The policy in regard to election and appointment of Presidents and Vice-Presidents is left as heretofore. But the appointment of the Vice-President is left to the discretion of the Municipal Council. Presidents and Vice-Presidents are also required to vacate their offices automatically when resolutions are passed to that effect. When the resolution is passed by a majority of not less than two-thirds of the whole number of councillors, the seat will be vacated at once; but if the resolution is passed, but not by a majority of not less than two-thirds, the place will be vacated if another resolution for the removal of the same President or Vice-President is passed after an interval of not less than one month.

When the President or Vice-President is elected by the Municipal Council he will hold office for such period as may be fixed by the Municipal Council and in other cases the term will be co-terminous with or be the residue of his term as Councillor. In order that the non-official Presidents may exercise their executive powers with freedom, the Amildar has not been invested with any powers of interference and in order to provide for prompt remedial measures when emergencies require, the Assistant Commissioner of the taluk in which the Municipality is situated is given wide powers as regards inspection, supervision and control.

(4) *Taxation.*

Minor Municipal Councils are at present required to impose taxes at a uniform rate throughout the State. Town and City Municipal Councils have power to fix and vary the rates of taxes according to their requirements and for this purpose they have to frame rules which take effect only on sanction of Government being obtained thereto. Village Panchayets have power to fix the rates of taxes subject to the maxima prescribed by the Government. The power to fix the rates within the maximum approved by the Government and to vary the rates from time to time as may be deemed expedient, is given to the Municipal Councils in the present Bill. In order, however, that the rates may not be fixed unduly low, power has

been reserved to the Government to require the Municipal Councils to increase the income by imposing any new taxes or enhancing the rates of existing taxes. Power has also been taken to Government to appoint for each District an Assessor for assessing taxes imposed in the form of a rate on buildings and lands. The Assessor will also conduct the Revenue Audit of the Municipalities in the District.

(5) *Surcharge.*

Power is given to the Deputy Commissioner of the District to surcharge on the report of the Auditor, the President, Councillors, officers and servants for loss, waste or misapplication of the Municipal Fund. This provision is necessary in order to safeguard the interests of the inhabitants of the Municipality.

(6) *Rules.*

Though the existing Municipal Regulation gives power to the Minor Municipal Councils to frame bye-laws, many Municipal Councils have not framed bye-laws and the administration of Minor Municipal Councils has, to some extent, been hampered by the absence of bye-laws. It has been considered expedient to take away from the Minor Municipal Councils the power to frame bye-laws and to retain in the hands of Government the power to make rules to regulate all matters concerning Minor Municipalities and to prescribe punishments for violation of rules.

(7) *Dissolution of Municipal Council.*

Provision has been made for investigation by Government of complaints from rate-payers against Municipal Administration and dissolution of the Municipal Council in cases of necessity.

P. MAHADEVAYYA,

Ex-officio *Secretary, Representative Assembly.*

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DEWAN'S CONCLUDING REMARKS AT THE BIRTHDAY SESSION OF THE REPRESENTATIVE ASSEMBLY, 1931.

8th June 1931.

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DEWAN'S CONCLUDING REMARKS AT THE BIRTHDAY SESSION OF THE REPRESENTATIVE ASSEMBLY, 1931.

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MEMBERS OF THE REPRESENTATIVE ASSEMBLY,

I desire to congratulate you in the first place on a remarkable achievement in the field of legislation in giving your approval to the Bill for the amendment of the Hindu Law of Inheritance. This measure is one of far-reaching importance to the Hindu community in general, and we have the authority of a distinguished visitor, himself eminent in the field of legislation, for saying that, in approving its general principles, you have not only done a great service to Hindu Society in Mysore, but have given a lead to India at large.

This is a service of a kind which I think our State is admirably suited to perform. Unlike the 'historical accidents' which make up some of the other States and Provinces, we have in Mysore a compact, manageable, homogeneous unit in which the results following from given causes are not so obscured and confused as they are elsewhere. We have accordingly been able to set an example in many matters, as for instance in the constitution of this Assembly and of our Economic Conference. There are many more matters in respect of which reform is urgently required, and these reforms are likely to be pressed forward enthusiastically in the busy years that will follow on the amendment of the All-India constitution. We shall then

have a great opportunity of serving, not only the State, but India, as a whole, by taking a lead in thinking out and trying out some of these new projects.

I wish I could congratulate you on having given a lead in some other matters that have come under discussion in the course of a strenuous session. I don't propose to dilate upon the case of the Election Offences and Enquiries Bill beyond saying that in this case you have not only not given a lead, but have declined to adopt a measure which has been found necessary elsewhere throughout the civilised world. Your reasons, I confess, I find myself unable to follow. You seem to suggest that because offences do not exist at present, or occur only in comparatively small numbers, that is a reason why you should deprive yourselves of the means of dealing with them if and when they do occur. If you would apply the same reasoning to any other offence, say, for instance, that of theft, I think you would find the fallacy of such an argument only too apparent.

I turn now to the much more serious question of the economic crisis which we are facing in common with the rest of the world. I don't wish for a moment to minimise the gravity of the situation, nor have I any sovereign remedy to propose. Production and consumption have got out of step all the world over, and we are faced by the paradox of hunger, caused by too much plenty. The ultimate remedy can only be found in international action, and we must look for it to the growing spirit of international co-operation to which I referred in my opening speech and to the advice of such bodies as the Gold Delegation at Geneva.

I said, however, in opening this session that I was an optimist in this matter, and I venture to remain so in spite of the many gloomy prognostications that have been made. I find my reasons in the lessons of history. The present crisis resembles in many respects that which occurred at the time of the Industrial Revolution, when many people

were affected by a spirit of defeatism such as prevails at the present day. My own belief is that the world will weather this storm as it did that one, and I am much impressed by a recent article by Sir Arthur Steel-Maitland, who courageously preaches the gospel that productivity cannot be too great, that, if the present markets are glutted, there are always large potential markets to be opened up, that if the demand for goods as at present produced is satisfied, the habitual tendency of men and women is to demand goods of a higher grade, that the desire for individuality will always create a demand for something other than mass-produced goods, and that the ingenuity of human inventiveness will be always opening up new avenues for the employment of labour.

Meanwhile, that is, while we are waiting for these world causes to operate, what is the policy that a country like Mysore can best pursue? It seems to me that there are two possible policies, a policy of courage and a policy of despair.

In a policy of despair, we can do what some people did in the Industrial Revolution, break up machinery, check all progress, put everybody on half wages, and endeavour, where we can, to go back to the primitive. Or we can, as an eminent publicist and business man has recently recommended, remit taxation in all directions, reduce railway freights so as to run our railways at a loss, and live by borrowing, with the inevitable result that the rate of interest will go higher and higher and the charge will have to be met by added burdens on the taxpayer whom we have been endeavouring to relieve.

For a policy of courage, let me give you an example from another small and predominantly agricultural country. New Zealand, with the most elaborate labour legislation that the world has yet seen, in spite of a depression that has continued in its case for nearly ten years, has refused to reduce its standard of living, but has replied to the de-

pression by rationalisation and improvement of processes with the result that there has been an increase in the physical volume *per capita* of production of approximately 20 to 25 per cent. This increase has been followed in some cases by a large increase in the general volume of exports, albeit at a lower price. A notable instance is that of dairy produce in which standardised production and very strict attention to quality has resulted in the country capturing a large part of the world's market.

A policy of courage is to my mind the proper policy for Mysore and we have not therefore proposed that we should shut down Bhadravati or any of the other State industrial establishments, or call a halt in our schemes for development. On the other hand, we have proposed that we should go ahead with the Irwin Canal, with the new silk factory and with the electrification of towns and similar schemes. And I gather from many of your speeches that you are not only ready to support us in doing this, but would like us to go much further in many directions. In fact there are some among you who would like the Government to play the part of an earthly Providence. I need hardly say that we should be as happy as any of you if we could translate all your desires for improvement, as well as our own, into realities, but as practical men we have to see what is possible and to rule out what is clearly impossible ; nor must we forget that what is desirable is not always attainable. The Government are only too anxious to accede to every reasonable request made by this House provided they are in a position to do so.

But if we are to succeed, especially in times like the present, we must have the co-operation of the people, and of yourselves as their representatives. And here I should like to point out that it is not co-operation for members to walk out of the House and to decline to take further part in its proceedings if their advice is not taken immediately it is tendered. It is co-operation to help us with your advice,

to convince us if you can, but also to remember that there are two sides to every question and that we have the interest of the country at heart as well as you. The true co-operator states his case with all the ability and vigour he can command, but if he finds himself in a minority, accepts loyally the decision of the other side and employs as much ability and vigour in giving effect to it as if it were his own.

In making these remarks I don't want you to think for a moment that the Government are blind to the very real distress that falling prices are causing. The situation has been long and anxiously considered and orders have issued which are calculated to give much more real relief than some of you appear to think. The harvest, as you are aware, has been fairly abundant, and the real trouble lay in the fact that, if payment on due dates had been insisted upon, the raiyats would have been forced to sell at prices that are far below the normal. In these circumstances the grant of time for payment is a very substantial concession, and the fact that the collections up to the end of April, the last month for which we have complete figures, were 25 per cent short of the usual average, shows how much it was appreciated by the raiyats. This means that, from the point of view of the Government, one-fifth of our land revenue demand has been suspended for the time being.

Added to that proposals for remission involving a sum of Rs. 20,000 are under disposal, coercive processes have been withheld, the collection of Record of Rights fees has been suspended, and also the charges for supply of water in the hot weather when such charges have accrued. Meanwhile a special committee has been appointed to examine the conditions in the Malnad, where they are said to be worse than in other parts.

Meanwhile again the grant of Rs. 2 lakhs for takkavi and land improvement loans for the current year has been enhanced by Rs. 40,000, and a liberal grant of Rs. 3 lakhs

for the same purpose entered in the budget for the ensuing year.

You have asked as an addition to these concessions that a remission may be made of process fees and of interest for the periods for which payments of revenue are postponed. These requests, as well as the further postponement of payments, should a case for the same be made out, will be favourably considered.

Lastly, some of you have referred to individual cases of hardship. It is of course practically impossible to prevent an occasional case of this kind, but I can assure you that our reports all indicate that the policy laid down by the Government is being carried out sympathetically and in the right spirit, and that any individual case to the contrary that may be brought to the notice of the Deputy Commissioner will be promptly and vigorously dealt with.

To conclude, ladies and gentlemen, I appeal to you all to make a united effort to meet the common danger. It cannot be overcome all at once or in any miraculous manner, but I am convinced that it can be overcome if we all pull together. Let us pool our resources whether of money, brains or physical strength, and, refusing to be influenced by the forces of defeatism or pessimism, meet our difficulties with a high courage and a determination not to be beaten. It is every one's duty to make this effort, and also to every one's interest.

I now declare this session closed.